

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

September 28, 2011

DHMH

4201 Patterson Avenue #105

Baltimore, MD 21215

10:30 a.m.

The regular session of the Board of Examiners in Optometry's meeting was held on Wednesday, September 28, 2011. Board members present were, Thomas Azman, O.D., Jo Anne Brilliant, O.D., Kisha Fields Matthews, Phyllis M. Strickland, O.D., Stephen Kwan, O.D., Frederick J. Walsh, Ph.D. and Brian T. Woolf, O.D. Also present was Patrick Roddy, Rifkin, Livingston, Levitan & Smith, LLC; Andrew Doyle, O.D., MOA; Patricia G. Bennett, Board Administrator, Kecia Dunham, Licensing Coordinator and Delia Turano Schadt, Board Counsel.

A. Opening of Meeting

Dr. Azman opened the regular session of the Board meeting at 10:14 a.m.

B. Minutes

The regular session minutes of the meeting held on July 27, 2011 were approved as written. Kisha Fields Matthews made the motion and Dr. Jo Anne Brilliant seconded the motion to accept the minutes as written. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education - Dr. Woolf

Dr. Woolf reported that there was no current information to report.

2. Credentialing- Dr. Kwan

Dr. Kwan reported that there was no current information to report.

3. QEI – Dr. Brilliant

Dr. Brilliant reported that the QEI Committee had finalized the 2011 CE Project and it will be disseminated in the near future. The Board has approved the project for 6 therapeutic hours. Dr. Brilliant reported that there is a vacancy on the QEI Committee and Dr. Sunni Houston had expressed an interest in filling the vacancy created by Dr. Joseph DeRose's departure. A motion was made by Dr. Brilliant and seconded by Dr. Strickland to appoint Dr. Houston to the QEI Committee. The Board's vote was unanimous.

4. Rehabilitation- Dr. Azman

Dr. Azman reported that there was no current information to report.

5. Budget – Dr. Strickland

Dr. Strickland reported that the Board's Expenditure Balance as of 9/8/2011 was \$215,484.22 and the Special Funds revenue balance was \$45,620.00

6. ARBO- Dr. Strickland

Dr. Strickland reported that Donna DeLay, Program Administrator, at ARBO had reported that the 1,000,000th program had been entered into OE Tracker. Dr. Strickland indicated that she would draft an article for the newsletter about ARBO and points of interest.

7. Legislation- Dr. Kwan & Kisha Fields Matthews

There was no current information to report regarding the legislative session.

D. Old Business

1. Regulations

Sanctioning Guidelines- Drs. Kwan and Strickland

Drs. Kwan and Strickland were scheduled to meet following the September 28, 2011 board meeting to continue working on the committee's draft Guidelines for Disciplinary Sanctions that had been submitted to the Board for review, corrections, comments and changes. The committee will use as a template the sanctioning grid format that was developed by Washington State, used by the Dental Board and approved by Secretary Sharfstein.

2. Legislation

HB-114/SB 291 Health Occupations Boards-Revisions

Ms. Bennett reported that each board must furnish a reply to the legislature regarding its success in reaching the goals and requirements of the legislation. The report is due 12/31/11.

SB- 145 State Board of Examiners in Optometry- Committee Report Actions

Ms. Bennett reported that she had prepared a draft report for Board approval. The report is due by October 1, 2011 to the Senate and the House on the decline in new licenses issued; revenue and expenditure trends to determine fee increases; and implementation of biennial renewal; Ms. Bennett stated that there had been an increase not a decline in new licenses issued since the preliminary evaluation was drafted in December 2009. The numbers have increased from 45 in 2009 to 57 (27% increase) in 2010 to 61 (36% increase) in 2011. She also reported that the projected renewals for the first staggered renewal in 2012 will be 79 licenses. According to Ms. Bennett's projections, a fee increase was not indicated for FY 2012 or 2013. Dr. Walsh moved and Kisha Fields Matthews seconded to approve the report. The Board's vote was unanimously.

E. Administrator's Report – Patricia Bennett

1. Illegal Sales of Contact Lenses – There was a general discussion about the illegal sales of contact lenses without valid prescriptions. The current procedure is to refer complaints of this nature to the Department's Drug Control Division, however, Delia Schadt, Board Counsel, advised that the Board also has authority to initiate its own investigation and issue cease and desist orders. Ms. Schadt mentioned that the Health Occupations Division of the Attorney General's office within the Department will begin to prosecute cases involving unlicensed practice in approximately 1 year.

2. Child Support Enforcement Data Exchange – Child Support Enforcement is required by law to notify licensing agencies when their licensees are in arrears and also mandate license suspension. The matter is being determined by the Attorney General's office.

3. National Practitioner Data Bank – The Board is in full compliance with submitting disciplinary actions as required to the data bank.

4. FY '13 Budget – The expenditure budget for FY 2012 is \$244,510.

5. Board Member Training- Ms. Bennett reported that the New Board Member Orientation will be held on Monday, November 7, 2011 and Dr. Woolf and Ms. Bennett will be attending.

6. Health Disparities Conference- The Department of Health and Mental Hygiene will be sponsoring its annual Health Disparities Conference on October 4, 2011. Ms. Bennett and Kisha Fields Matthews, Consumer Member, will be attending.

7. Board Elections/Board Appointment – Ms. Bennett reported that Dr. Brilliant has been reappointed for another four year term. Board elections will be held at the November meeting for the following positions; President, Treasurer and Secretary.

F. New Business

1. New Licenses Issued 7/11-9/11

Ms. Bennett reported that 18 licenses were issued during the period. A motion was made by Dr. Woolf and seconded by Dr. Brilliant to approve the licenses issued. The Board's vote was unanimous.

2. 2012 Board Newsletter

Board members received a draft template of the Board's annual newsletter and contributors were asked to submit their articles before the November Board meeting. Dr. Azman will prepare the Presidential Address; Dr. Brilliant will include information about the 2011 Continuing Education Project; Kisha Fields Matthews will report on the Health Disparities Conference; Dr. Strickland suggested that an article be included about minimum eye exam requirements and reference the statute citation 11-208. Dr. Woolf will write an article about medical coding and include a brief biographical sketch. The remaining articles will be completed by Board staff.

3. Maryland Health Care Commission Request – Kisha Fields Matthews moved and Dr. Brilliant seconded to approve the request to add the health information technology survey to the online renewal system.

4. Disciplinary Complaint Review Committee – Meetings will be held as needed upon receipt of complaints on the 4th Wednesday of the even numbered months from 8:30 a.m. to 10:30 a.m. The next two meetings were scheduled - 10/26/11 with Dr. Brilliant and Dr. Walsh and 2/29/12 with Dr. Kwan and Kisha Fields Matthews.

The regular session of the Board adjourned to go into administrative session.

Respectfully submitted,

A handwritten signature in blue ink, reading "Kisha Fields Matthews". The signature is fluid and cursive, with the first name "Kisha" being the most prominent.

Kisha Fields Matthew, Secretary